

DRAFT 4/27/17 – SUBJECT TO CHANGE
For Review and Adoption by the Council at the May 25, 2017 Meeting

DELTA STEWARDSHIP COUNCIL
Thursday, April 27, 2017
Delta Stewardship Council
980 9th Street, 2nd Floor Conference Room
Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., April 27, 2017, by Chair Randy Fiorini.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum was established. The following members were present: Patrick Johnston, Ken Weinberg, Mike Gatto, Susan Tatayon, Randy Fiorini, and Skip Thomson.

3. Closed Executive Session – (Not open to the public) (Action Item)

The Council may discuss litigation matters pursuant to Government Code §11126 (e)(2)(a), (e)(2)(B)(i), and/or (e)(2)(C)(i), including: (a) Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758, and (b) Bracewell Engineering Inc., et al., v. Delta Stewardship Council, et al., Sacramento County Superior Ct. No. 34-2015-80002178.

The Closed Session (Litigation) convened at 9:00 a.m. and adjourned at 10:26 a.m., with Chair Randy Fiorini presiding.

4. Reconvene Open Session

Upon adjournment of the Closed Session, the Delta Stewardship Council (Council) reconvened in Open Session at 10:26 a.m.; Chair Fiorini said he had nothing to report from the Closed Session. Chair Fiorini noted that Council Member Frank Damrell has joined the Council meeting and was added to the roll call.

5. Adoption of the March 23, 2017 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the March. 23, 2017, meeting summary; there were none.

Motion: (Offered by Tatayon, seconded by Gatto) to approve the March 23, 2017, meeting summary.

Vote: (7/0: Johnston, Damrell, Weinberg, Gatto, Tatayon, Fiorini, Thomson) and the motion was adopted.

The video showing this motion and vote can be found on the linked agenda <http://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2017-04-27> at 03:32.

6. Chair's Report

Chair Fiorini noted that the Lead Scientist report, Agenda Item 8, will be moved to directly after his remarks to accommodate the visiting 2017 and 2016 Delta Science Fellows.

Chair Fiorini also noted that the Council, the Central Valley Flood Protection Board, and the California Department of Water Resources (DWR) have been working on a Memorandum of Understanding (MOU) that will describe implementation of the Delta Levees Investment Strategy; Chair Fiorini expects to have an update by the next Council meeting.

Chair Fiorini described a field tour that he and Jessica Law, Special Assistant for Planning and Science, took to view restoration activities in the Cache Slough.

Chair Fiorini drew attention to the letter sent to Senator Dianne Feinstein in support of S. 731, Sacramento-San Joaquin Delta National Heritage Area, which would establish the Sacramento-San Joaquin Delta as a National Heritage Area. The Letter is posted on the Council's website at:

<http://deltacouncil.ca.gov/sites/default/files/2017/05/S.%20731%20-%20Delta%20NHA%20-%20DSC%20Support%20Letter%20042017.pdf>

Chair Fiorini noted that the draft Delta Plan Conveyance, Storage, and Operation of Both (CSO) amendment will be discussed the following day, Friday, April 28, 2017 at 9:00 am; there will be an overflow area made available for the additional members of the public.

Chair Fiorini invited Ms. Law to provide a summary of the 7th Delta Plan Interagency Implementation Committee (Committee) meeting held April 17, 2017. Ms. Law noted the topics discussed, including 2017 agency priorities, science updates, and collaborative science activities. Key outcomes included a request from the Council for input on the Delta Plan Administrative Performance Measures and DeltaView from Committee members.

In addition, the U.S. Environmental Protection Agency encouraged the Council to engage with the Comprehensive Conservation Management Plan (CCMP), which is the management plan for the Bay and Delta; Ms. Law will be coordinating with the San Francisco Estuary Partnership on this effort. Felicia Marcus, chair of the State Water Resources Control Board (Water Board), requested that the Council coordinate with other agencies to understand the lessons learned from the drought. The Committee received an update on the EcoRestore projects and an overview of a review on

permitting barriers and opportunities. The California Natural Resources Agency committed to exploring the potential for a regional and/or programmatic permit program. Collaborative science activities included the release of the Proceedings Report on the Science Enterprise Workshop (SEW); an outcomes report will be forthcoming. One of the key themes from the SEW was the need for integrated modeling. The National Science Foundation recently released a report on *Integrated Modeling of Estuarine Systems*. The U.S. Bureau of Reclamation requested Committee participation in a pilot-study in Structured Decision Making.

Following the Chair's Report, without Council objection, Item 8, Lead Scientist's Report was taken out of order and heard next.

8. Lead Scientist's Report

Dr. Cliff Dahm presented the Lead Scientist's Report, covering a number of collaborative and science communication activities. The staff report for Agenda Item 8 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-8-lead-scientists-report>.

Dr. Dahm noted that the Delta Science Fellows are present at the Council meeting. The Delta Science Program, with assistance from California Sea Grant, organized an Early Career Leadership Workshop which seeks to provide training, networking opportunities, and career advice and skills to the two current classes of Delta Science Fellows. The agenda consists of a series of presentations and panels by invited experts on career opportunities in academia and beyond, interview skills, the science-policy interface, the importance of effective science communication, and developing effective presentations. The end of the day will include a hands-on activity that allows attendees to practice delivering elevator pitches on their research. As part of the workshop, Dr. Dahm noted that the Delta Science Fellows will apply the skills they developed at their training to present their research summaries to the Council.

Fourteen Delta Science fellows were asked to provide short overviews of their research projects. The video showing the overviews can be found on the Council's website at <http://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2017-04-27>.

Chair Fiorini congratulated the Delta Science Fellows in their valuable investigations, and noted the importance of the program.

To continue, Dr. Dahm made brief comments regarding the search for the new Lead Scientist. There were two Brown Bag seminars given by candidates; John Calloway on wetlands and sediment dynamics, and Bill Cooper on wetlands and emerging chemicals of concern.

Dr. Dahm drew attention to a poster *The Predator Gauntlet: Estimating Survival Differences of Salmonids in Reaches with Varying Predator Densities in the Lower San*

Joaquin River, CA made available from the Interagency Ecological Program (IEP) workshop which focuses on predation and mechanisms leading to predation in the lower San Joaquin River.

Dr. Dahm summarized an article in the *State of the Bay-Delta Science 2016* on multi-dimensional models of the Sacramento-San Joaquin Delta, *An Overview of Multi-dimensional Models of the Sacramento-San Joaquin Delta*, and a journal article on the current situation of dams and what the future holds for them at a national level, *The Future Role of Dams in the United States of America*.

Member Weinberg asked for a clarification on the profile of dams, and Dr. Dahm noted that there is a high degree of information about the dams in the report.

Dr. Dahm provided a summary of the California WaterFix Aquatic Science Peer Review Phases 2A, *California WaterFix Aquatic Science Peer Review - Phase 2A*: http://www.westcoast.fisheries.noaa.gov/central_valley/WaterFix/CaliforniaWaterFixBiopReviewPhase2A.html; and 2B, *California WaterFix Aquatic Science Peer Review - Phase 2B*: http://www.westcoast.fisheries.noaa.gov/central_valley/WaterFix/WaterFixReviewBiOp.html. The independent scientific review panel (Panel) found that best available science was generally used in the analyses reviewed which included a review of the draft Adaptive Management Framework for WaterFix and the 2081 incidental take permits. The Panel made several recommendations for addressing uncertainties and issued their findings and recommendations in two reports in early March 2017.

Ms. Pearson noted that it is important to bear in mind that this is the science that will help inform evaluation of WaterFix. Ms. Pearson noted that some of the critiques received at the last Council meeting in Brentwood suggested that best available science was not included in these reports, and questioned Dr. Dahm whether in his opinion these reviews reflected best available science. Dr. Dahm noted that in his opinion, yes, these reviews found that agencies have used best available science in development of the documents.

Member Weinberg observed that the Panel provided comments on downstream impacts, and the impacts of flow and the low-salinity zone. Dr. Dahm agreed and noted that comments characterized flow, movement of the low-salinity zone relative to 81 kilometers, and impacts on habitat availability affected by the frequency and duration of tidal inundation. Member Weinberg clarified that the Panel recommends additional clarification on these subjects in the Biological Opinions, and Dr. Dahm said yes, these are recommendations for how to improve the WaterFix documents.

Dr. Dahm noted that a new report, *Rising Seas in California*, has just come out on sea level rise, and he will provide a more thorough review of it at the next Council meeting.

After Dr. Dahm concluded the Lead Scientist's Report, he invited Catherine Courtier to discuss the *By the Numbers* report, which is posted on the Council's website at

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-8-attachment-2-numbers-summary>.

There was a general discussion on the methods used to calculate salinity (microsiemens per centimeter ($\mu\text{S}/\text{cm}$)) in the report; Ms. Courtier and Dr. Dahm noted that the calculation is dependent on both temperature and water chemistry. Member Weinberg noted that other groups use other units (such as total dissolved solids (TDS) in milligrams per liter). Chair Fiorini suggested that a relative scale for measurements be included so that it is easier to interpret the number.

Following Dr. Dahm's report, Chair Fiorini asked if there were questions or comments; there were none.

7. Executive Officer's Report

Ms. Pearson noted that the Governor has officially declared that the drought has ended. The Water Board has lifted restrictions on mandatory conservation.

Ms. Pearson drew attention to the Council letter on the Draft Central Valley Flood Protection Plan 2017 Update and consistency with the Delta Plan. The Letter is posted on the Council's website at:

http://deltacouncil.ca.gov/sites/default/files/2017/04/CVFPPUpdate_Council%20Comments_033017.pdf. In addition, a letter from the Council has been shared with the San Joaquin Council of Governments 2018 Regional Transportation Plan stating the desire to coordinate planning activities with the Delta Plan. The Letter is posted on the Council's website at:
http://deltacouncil.ca.gov/sites/default/files/2017/04/SJCOG%202018%20RTP%20EIR_NOP%20comments_jaj_April2017_tg_cen.pdf.

Ms. Pearson noted several Council personnel updates. Ben Geske has joined the Delta Science Program and will support scenario planning activities as well as efforts to support integrated modeling. Ron Melcer has been promoted to supervise the Ecosystem, Land Use, and Scientific Integration section of the Council. Scott Callori has joined as the Network Administrator within the Information Technology section of the Council. Chief Deputy Executive Officer Dan Ray is retiring on April 27, 2017, Ms. Pearson noted her appreciation for Mr. Ray's service and congratulated him on his retirement.

7a. Legal Update

Chief Counsel Bethany Pane invited attorney Adam Silva to provide the Legal Update. Mr. Silva's update is posted on the Council's website at:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7a-legal-update>.

Mr. Silva noted Executive Order B-40-17, which terminated the state of drought for California.

7b. Legislative Update

Ms. Pearson invited Ryan Stanbra to provide the Legislative Update; it is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7b-legislative-update>.

Included in Mr. Stanbra's update is 1) the Legislative Tracking Report: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7b-april-legislative-tracking>; 2) a copy of AB 791: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7b-ab-791>; 3) a copy of AB 832: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7b-ab-832-and-analysis>; 4) a copy of AB 554: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7b-ab-554-and-analysis>.

Mr. Stanbra also mentioned the letter sent to Senator Feinstein in support of Delta-designated as a National Heritage Area.

Member Weinberg noted that in the draft Performance Measures, the Council is starting to consider urban usage and management. As the Legislature also is considering similar measurements, perhaps the legislative authors could be engaged so that urban water management plans (UWMP) contain requirements that are also in the Council's interests to measure. Member Weinberg asked about the role the Council plays in whether to engage in legislation. Chair Fiorini noted that there is a prescribed way that the Council provides opinions on draft legislation. The first step would be to work with Council staff to better understand the draft legislation and potential overlap with draft Performance Measures. Member Weinberg pointed out that reliance reduction is no longer in draft Performance Measures; if there is a need for more information for Delta Plan Performance Measures, the Council should consider a more formal engagement with the Legislature. Member Weinberg noted that historically, urban water management is a valuable way to better understand opportunities for improved water management.

Member Damrell suggested that staff provide a report on likelihood of draft legislation passing.

Member Gatto noted that the Council is an agency of the Executive Branch – and believes that it is not the role of the Council to influence the Legislative Branch.

Ms. Pearson noted that WR P1 in the Delta Plan does require that to demonstrate consistency, certain findings must be made in the UWMPs. At the time the Delta Plan was drafted, the findings were unavailable in the format the Council requested. As a result, there was an associated recommendation for DWR to consider requiring in its guidelines the information in the format that would facilitate consistency determination. Currently, the guidelines are voluntary in terms of what information is provided; it is possible that there will be range of information provided. Ms. Pearson noted that it could be beneficial to have a conversation with DWR and legislative authors on what exactly is under consideration to help the Council determine whether to formally engage. Ms.

Pearson noted that the Council has historically been very limited in what legislation it weighs in on and has criteria for engagement.

Following Mr. Stanbra's update, Chair Fiorini asked if there were any questions or comments; there were none.

7c. Quarterly Contract Update

Ms. Pearson provided the Quarterly Contract Update posted on the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7c-quarterly-contract-update>

Member Thomson noted that it would be helpful to briefly explain contract enhancements. Ms. Pearson agreed and noted that staff will present on enhancements during the following agenda items.

7d. Memorandum of Understanding between the Delta Stewardship Council and the Aquatic Science Center to support advancement of the California Bay-Delta Science Enterprise

Ms. Pearson invited Ms. Law and Rainer Hoenicke, deputy executive officer for science, to provide an overview of the MOU with the Aquatic Science Center at the San Francisco Estuary Institute (ASEI). This is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7d-attachment-1-memorandum>.

Ms. Law noted that the ASEI historically has provided valuable material and products to better inform science and improve collaborative science efforts in the Delta and San Francisco Bay. *A Delta Restored* has been helpful in providing a better understanding of historical and modern land use in the Delta. During the SEW, Dr. Josh Collins presented on the upper and lower estuary alongside Ted Summers from DWR.

Vice-chair Tatayon emphasized the value of the ASEI's work and their high-quality contributions that the group has made to the Delta.

7e. Approval of Contract with Aquatic Science Center/San Francisco Estuary Institute (Action Item)

Chair Fiorini drew Council attention to Action Item 7e. Ms. Pearson noted the contract requests authority to execute a three-year contract to provide up to \$960,000 to the ASEI to support advancement of the Science Action Agenda and begin to implement key recommendations that originated in the November 2016 SEW, consistent with the Delta Science Plan. The contract is posted to the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7e-approval-contract-aquatic>.

Mr. Hoenicke noted that the contract will build science capacity, data sharing, and restoration implementation.

Member Gatto asked what the deliverables will be for the contract. Mr. Hoenicke noted that each task will have deliverables; for example, a task order is ready that will evaluate the food web benefits associated with restoration activities. Member Gatto noted that State agencies often spend money on efforts that are available for free, and suggests that it would be worthwhile to investigate available peer reviewed literature and ensure the Council is not duplicating efforts that have already been completed. Chair Fiorini noted that it is part of the role of Delta Science Program to ensure that duplication does not occur. Dr. Dahm noted that this contract would allow us to actually evaluate restoration efficacy.

Motion: (Offered by Thomson, seconded by Weinberg) to approve the contract.

Vote: (6/1: Johnston, Damrell, Weinberg, Tatayon, Fiorini, Thomson; Gatto abstains) and motion 7e was adopted at 12:34.

The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2017-04-27> 2:10:52.

The Council retired for lunch at 12:35 p.m. and re-convened at file-item 7f at 1:26 p.m.

7f. Delegation of Authority for the Executive Officer to Increase the Stantec Contract in Support of the Delta Plan Amendments (Action Item)

Ms. Pearson requested authority to amend and increase the current contract with Stantec Consulting, Inc., by \$2,000,000 to fund several tasks related to the continued support for the Delta Plan amendments. The contract is posted to the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7f-delegation-authority>. Ms. Pearson called on Anthony Navasero to provide an overview of the contract with Stantec. Mr. Navasero noted that additional funding is needed to complete the Delta Plan Amendment updates. Chair Fiorini called for a motion for approval:

Motion: (moved by Weinberg, seconded by Gatto).

Vote: (7/0: Johnston, Damrell, Weinberg, Tatayon, Fiorini, Thomson, Gatto) and the motion was adopted at 1:32 p.m.

The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2017-04-27> 2:16:11.

7g. Approval of Contract with United States Geological Survey for Operation Baseline Pilot Studies (Action Item)

Ms. Pearson requested authority to enter into a contract with the U.S. Geological Survey (USGS) in the amount of \$596,200 for critical science investigations to establish baseline conditions in the Delta prior to the upgrade of the Sacramento Regional Sanitation District's wastewater treatment plant. The contract is posted to the Council's

website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7g-approval-contract-united>, for the Attachment 1: Tasks, Products, and Estimated Costs: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7g-attachment-1-tasks-products>.

Ms. Pearson called Mr. Hoenicke to come present the contract with USGS.

Member Weinberg asked for clarification on whether the funding is just to establish the baseline. Mr. Hoenicke confirmed that the contract is indeed for just the baseline; additional actions would be required should there be changes in the future. Member Weinberg was curious to whether this will help achieve the coequal goals, and Mr. Hoenicke confirmed that yes that it is essential. Member Weinberg moved to approve the motion:

Motion: (moved by Weinberg, seconded by Tatayon).

Lisa Thomson, chief scientist at the Sacramento Regional County Sanitation District (Regional San), emphasized the importance of this effort as a way to adaptively manage this project. EchoWaters offers an unusual opportunity to put into practice adaptive management for a project that also has permits. In terms of future funding and value proposition, it helps to show the results of improvements and what rate-payers can expect in terms of benefits.

Vote: (7/0: Johnston, Damrell, Weinberg, Tatayon, Fiorini, Thomson, Gatto) and the motion was adopted at 1:39 p.m.

The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2017-04-27> 2:23:37.

7h. Approval of Contract with University of California, San Diego/California Sea Grant for 2018 Class of Delta Science Fellows (Action Item)

Ms. Pearson requested authority to enter into a new three-year, \$2,074,957 contract with U.C. San Diego/California Sea Grant to support a new class of Delta Science Fellows and Policy Fellows. Mr. Hoenicke noted that the benefits were clear to see based upon the earlier presentation by the 14 Delta Science Fellows. The contract is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-7h-approval-contract-university>.

Vice-chair Tatayon asked if there was a list of deliverables identifying connections with the Delta Plan. Mr. Hoenicke responded yes. Ms. Pearson noted that it could be valuable to add a column noting where it connects to the Delta Plan, in the materials.

Motion: (moved by Tatayon, seconded by Thompson).

Vote: (7/0: Johnston, Damrell, Weinberg, Tatayon, Fiorini, Thomson, Gatto) and the motion was adopted at 1:47 p.m.

The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2017-04-27> 2:31:53.

Ms. Pearson concluded her report.

9. Update Regarding the Draft Delta Plan Amendment for Refinement of Performance Measures

Ms. Pearson invited Terri Gaines to present the draft Delta Plan amendment for Performance Measures. The meeting materials are posted on the Council's website including 1) the staff update: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-9-update-regarding-draft-delta>; 2) the Redline Version of a Subset of the Proposed Performance Measures: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-9-attachment-1-redline-version>; and 3) a summary of comments received to date: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-9-attachment-2-summary-comments>.

Ms. Gaines provided an overview of some of the draft Delta Plan Performance Measures ready for review. The full suite of draft Delta Plan Performance Measures will be presented to the Council during the May 2017 meeting.

Since the March Council meeting, staff has continued to work on the Delta Plan Performance Measures to incorporate written comments and feedback received during workshops and during the California Environmental Quality Act (CEQA) comment period. Ms. Gaines noted that a scoping report will be prepared as part of the CEQA process. Ms. Gaines drew Council attention to Attachment 2: Summary of Comments Received to Date. Ms. Gaines noted that general themes of comments received included appropriateness, technical metric improvements, alignment, interagency efforts, better definition of terms and concepts, and ensuring consistency of language. A majority of comments received for Chapter 3 Performance Measures which deal with water supply reliability focused on export reliance, consider progress made, and margin of error (3.4 and 3.9). For Chapter 4, reviewers recommended that the focus specify biological outcomes, consider the multiple components of the Delta ecosystem, consider water year type and season, and more clearly define technical terms. Staff continues to move forward in incorporating comments. The California Department of Fish and Wildlife requested that staff postpone metric refinement until the Ecosystem Amendment is completed, to which staff agrees. For Chapter 6, staff continues to work on the performance measures; reviewers suggested that staff work closely with the Water Board.

Ms. Gaines then directed the Council's attention to *Attachment 1: Redline Version of a Subset of the Proposed Performance Measures Compared against February 2016 Adopted Version*.

Member Thomson asked for clarification on page 11 (7.2); noting that the baseline is zero while on page 12, the target is for a 50 percent decrease in that number. Mr. Ray came to the table, and noted that for the former baseline, it seeks to measure actual loss of life; while the latter seeks to measure performance in terms of expected annual fatalities, and how that might change in the future.

Megan Brooks, staff environmental scientist, noted that the Chapter 5 performance measures have undergone many changes; 5.8 (page 7) is clarified and added additional metrics and targets. First time visitors and number of existing and new visitor data has been added as the Delta Tourism Marketing Task Force formed. The first three metrics were based on parts of the Delta Protection Commission (DPC) Economic Sustainability Plan.

Member Thomson noted his desire to discuss 5.3 and 5.7 with the agricultural commissioner and encouraged tracking agricultural loss associated with ecosystem restoration. Ms. Pearson noted that 5.2 and 5.3 track those trends. Member Weinberg asked if the county general plans consider changing agriculture to something different and does the DPC have the ability to review? Member Thomson believes that the DPC has regulatory authority over county land zoning in the primary zone. Ms. Pearson noted that the Council's regulations then come into play in the secondary zone. There are guidelines based on local plans that were in operation during Delta Plan adoption. General discussion continued on the complexity of performance measures that indicate trends that might be somewhat discordant with potential projects or plans that may receive Council approval of Delta Plan consistency. Member Weinberg noted that there are tradeoffs and it is important to track these dynamics. Ms. Gaines responded that the planning and performance division is paying attention to these dynamics, citing the letter to Stockton and more recently the San Joaquin Council of Governments 2018 Regional Transportation Plan. Ms. Pearson noted that the Council is proactively reaching out to local governments to ensure that the plans are compatible and consistent with the Delta Plan.

Ms. Gaines noted that Chapter 6 performance measures include salinity (6.2 on page 9); changes include language refinements. She also said that Chapter 3 performance measures relate to water supply reliability. On pages 1 and 2, urban efficiency and stormwater were shifted to focus more on individual water suppliers and those in the Delta watershed. Performance Measure 3.2 was expanded to include additional sources of water supply.

Member Weinberg noted that it was a pleasure to work with Council staff. It was helpful to talk through some policy issues like The Water Conservation Act of 2009 (SB X7-7). While statewide progress did not prove to be as meaningful as hoped, SB X7-7 requires urban water suppliers to increase water use efficiency by reducing per capita urban water use 20 percent by Dec. 31, 2020. For 3.2 with respect to UWMPs, this seems to be a way to uniformly gather information to show progress in reducing reliance. An example of progress is the Mojave Water Agency (MWA), which has made progress in water management in a dry year. Allocations by the State Water Project (SWP) are going to be what is determined, so our performance measures in the effort to support

water reliability has struck a good balance of not penalizing agencies and tracking progress.

Member Thomson noted that for 3.2 and 3.4, the targets all are focused on the Delta system, and is curious as to whether it may be helpful to distinguish performance based on water rights in a particular region. Member Weinberg noted that if considering UWMPs, there will have been some justification based on recycling or reuse.

Ms. Gaines responded that staff will return with an answer on water rights.

Regarding Performance Measure 3.1, Member Johnston said it would be helpful to explain what the law requires in determining the baseline year. Ms. Gaines noted that there is a large body of reference material that helps guide selection of baseline, metric, and target. Member Weinberg noted that the baseline will vary by agency; it is set by a methodology. DWR is the agency that tracks this effort; Ms. Gaines noted that it could be helpful to have a footnote that provides clarification.

Member Johnston noted that the information that will inform 3.2 will be found in the UWMPs. Member Weinberg noted that UWMPs have to be approved by DWR, which might not always have the ability to deeply review them. Chair Fiorini agreed that robust review might not be part of the process, but at least there is a review process. Member Johnston suggested that the Council might conduct a more thorough review, Chair Fiorini noted that it remains to be seen what form the responses will take in coming to the Council. Ms. Pearson noted that the Council will be looking at the specific information in UWMPs that will inform the performance measure. Broadly, this is how the Council will be able to track ability to achieve the coequal goals. Ms. Gaines noted that once these Performance Measures have been evaluated through CEQA, the final measures will be included in a web-based dashboard for the Performance Measures.

Ms. Gaines asked the Council to continue on to 3.6, which focuses on agricultural water efficiency. Very few of the Agricultural Water Management Plans (AWMPs) submitted to date have quantitative data, and while there is a push to change this through legislation, there is currently insufficient data to track performance on this metric. At this point, the metric is just to track submission of AWMPs with quantitative information. Therefore, it makes sense to shift the performance measure to an administrative measure.

Ms. Gaines noted that 3.8 will track implementation of the Sustainable Groundwater Management Act (SGMA), and completion of Groundwater Sustainability Plans (GSPs).

Member Johnston noted the rate of groundwater depletion in overdrafted basins has been removed; Ms. Pearson observed that is a responsibility of SGMA. Member Johnston suggests clarification that notes the legal requirement.

Vice-chair Tatayon expressed concern over judging whether or not a basin is sustainable in terms of SGMA implementation. Some GSPs have done their best to meet SGMA requirements in terms of documenting historical use and methods to get in balance, but other alternative GSPs have not meaningfully provided information on

whether the basin or groundwater levels is actually recovering. Interconnected surface waters and supplies are important components and that is hard to capture in SGMA requirements.

Ms. Pearson asked if draft language is enough; Vice-chair Tatayon noted the long SGMA timelines (20 years) which make it difficult to track progress. Vice-chair Tatayon will continue to consider challenges, and Dr. Dahm agreed that it is difficult to find an appropriate metric that considers the right scale. One tool at a very large scale is the subsidence information coming out of the Jet Propulsion Laboratory that is starting to become available, but it is challenging to relate it directly to groundwater management.

Ms. Gaines continued on to discuss 3.4 (reduced reliance) and 3.9 (Delta exports), which have been modified to reflect public comments. Performance Measure 3.4 has been refined to better reflect individual water supply reliability projections, moving away from measuring by hydrological region to provide more flexibility while still requiring plans for decreases of availability in dry years. Performance Measure 3.9 still requires further development as flow requirements are still under development by the Water Board.

Vice-chair Tatayon asked several clarifying questions regarding Performance Measure 3.9. There was general conversation that the central question is whether the past medians have any meaning for future conditions, while the intention is to reduce conflicts. Chair Fiorini believes 3.4 is responsive, while 3.9 could have a better metric.

Dr. Dahm noted that in the historical database, there is quite a bit of variability in Delta exports, and the understanding is that medians were better than means as a way to reduce high variability. The goal is to optimize water storage in wet years, but, there is not yet infrastructure to support groundwater recharge. In addition, during dry years, there appears to be over extraction of groundwater.

Chair Fiorini noted that the Water Board had helpful comments. Ms. Gaines closed by noting that staff will continue to work on these metrics going into May and anticipates requesting Council approval at the May Council meeting.

Public Comment:

Kathy Cortner, MWA, noted that they have appreciated the opportunity to work with Council staff, believe that 3.4 is improving, and fully support the current version. She said they still have concerns on 3.9; while agree that the general concept should seek to support the idea of “big gulp/little sip”, a remaining concern is on the appropriateness of measuring pumping plant exports in terms of allocations.

Jennifer Pierre, State Water Contractors. Ms. Pierre believes that it is important to emphasize that the status quo does not work, and this concept should form the basis for the steps going forward. While the contractors will be submitting a comment letter on the performance measures considered today, she said that, while there has been a reduction in exports, there has not yet been an improvement in the ecosystem. It is necessary to better understand the suite of ecosystem stressors. In addition, there is a

large body of work that has assessed conveyance options, and it is important to have a base water supply. Reduced reliance interactions with other performance measures are important to understand.

Dan Florey, Antelope Valley East Kern Water Agency (AVEK). As a SWP contractor, they recognize the value of Delta exports. As an adjudicated water basin, it has been challenging to come up with a sustainable management plan. The AVEK has made significant investments to try to make improvements, and noted that the performance measures are in general improving.

10. 2017 Water Year Outlook

Chair Fiorini invited Dan Constable and John Leahigh to provide an update to the Council on the 2017 Water Year Outlook. These items are posted on the Council's website including 1) the Staff Report for Agenda Item 10:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-10-2017-water-year-outlook>; 2) the U.S. Drought Monitor:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-10-attachment-1-us-drought>; 3) Reservoir Conditions:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-10-attachment-2-reservoir>; and 4) Groundwater Level Change Spring 2011 – Spring 2016:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-10-attachment-3-groundwater>.

Mr. Leahigh's presentation is posted to the Council's website at:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-10-presentation-2017-hydrology>.

After the presentation, Dr. Dahm questioned whether groundwater recharge is occurring and if there is active injection in particular. Mr Leahigh responded that yes, there is both direct injection and in-lieu recharge. Dr. Dahm also observed that there appeared to be a large amount of flocculent material at the Oroville spillway.

Member Weinberg also asked about groundwater recharge, and was curious whether deliveries to storage are tracked. Mr. Leahigh responded that it is not a requirement, but it is helpful in order to calibrate timing of deliveries. Member Weinberg noted that it appears water infrastructure is able to receive and store higher deliveries; is this in fact the constraint? Mr. Leahigh replied that Kern County Water Agency for example, is seeking other places to store water in the groundwater table for flood control purposes. While water districts have been expanding capacity in spreading basins, in general, in agencies that are unable to handle all of this water, there are additional investments that could be made.

11. Public Comment

Next, Chair Fiorini asked if there were any members of the public who wished to comment on this item; there was none.

The meeting adjourned to be reconvened at 9:00 a.m. the following day

Friday, April 28, 2017

12. Call to Order

The meeting was called to order at 9:00 a.m., April 28, 2017, by Chair Randy Fiorini.

13. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum was established. The following members were present: Patrick Johnston, Frank Damrell, Ken Weinberg, Susan Tatayon, Mike Gatto, Randy Fiorini, and Skip Thomson

Chair Fiorini began the meeting by noting that over-flow space was available on the third floor and that all members of the public who wish to speak will have an opportunity during the public comment period.

14. Revised Discussion Draft of Proposed Delta Plan Amendment Regarding Conveyance, Storage Systems, and the Operation of Both (Water Code §85304)

Chair Fiorini began by noting that staff has received many public and written comments, as well as comments during workshops, and during previous Council meetings. Staff has considered and updated the draft CSO amendment accordingly.

Chair Fiorini noted that Council Members will have the opportunity to ask questions and the Council will be referencing the clean version of the draft amendment.

Ms. Pearson welcomed Council Members and members of the public, and began with an overview of the history of conveyance programs. Ms. Pearson noted that the Bay Delta Conservation Program (BDCP) was originally required to be incorporated into the Delta Plan. The Delta Plan, however, directed the Council to revisit the CSO if the BDCP failed to meet specific deadlines. With the pivot away from the BDCP, the Council is now considering the draft CSO amendment based upon the Delta Plan's requirements. Ms. Pearson noted that the Council was given two specific roles by the Legislature on conveyance: 1) specific review authority as an appellate body over the BDCP; and, 2) specific review authority on any successor project that would meet the definition of a covered action. Ms. Pearson noted that the current arrangement for addressing conveyance is unacceptable and that she expects the dialogue to be based on robust expectations of climate change going forward.

Ms. Pearson introduced Cassandra Enos, deputy executive officer for planning, Anthony Navasero, senior engineer, and Kari Shively with the Stantec consulting team. Mr. Navasero began by providing an overview of the topics to be discussed. The presentation can be viewed at the Council's website at:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-april-27-28-2017-meeting-agenda-item-14-presentation-draft-delta-plan>

Member Thomson asked whether California WaterFix would be considered a covered action. Ms. Pearson clarified that yes, it would be.

Member Gatto emphasized the importance of understanding that “dual conveyance” does not indicate two of anything, rather that there are two different methods for conveying water. Chair Fiorini noted that, based upon the content of many of the public comments, there is some confusion that dual conveyance means twin tunnels; instead, dual conveyance refers broadly to a combination of conveyance options including through-Delta, isolated, or a combination.

Dr. Dahm emphasized a quote from Jay Lund, “Conveyance limitations in the Delta are a major impediment to the state’s ability to achieve its “co-equal” water management goals of reducing reliance on the Delta as a water supply source and conserving habitat and species in the Delta, and the ability to make full utilization of surface water and groundwater storage capacity.” This captures the essence of the inability of the current conveyance infrastructure. Vice-chair Tatayan noted that members of the public disagreed with the quote.

Chair Fiorini noted that increased flexibility is important, and that there are a lot of publications that help inform science-based input. The draft amendment reflects a synthesis of best available science.

Ms. Shively provided an overview of the attachments to the staff report.

Preface

Chair Fiorini invited Council Member comments on the Preface section. Vice-Chair Tatayan thanked staff for the revised draft, the additions, revisions, and re-organization. Lines 22-29 communicate the broad need for improved conveyance, operations, and storage. Near term actions must be integrated with long-term objectives. Member Weinberg noted that on page 8, line 3, the discussion on limited opportunities for conveyance provides a good overview of the tradeoffs and the challenges embedded in the choices.

Member Johnston noted on page 6, line 15, in describing stressors on fish, it is a concern that perhaps we’re omitting some aspects of the effect of exports on through-Delta flow. The urbanization of the estuary is also an unrelenting pressure. Chair Fiorini suggested that terms could be better defined and that a glossary could be helpful.

Vice-chair Tatayan noted on page 3, lines 18-31, that even with new construction, through-Delta conveyance will be an important component of the options; Vice-chair Tatayan noted that members of the public like this paragraph. Member Weinberg noted that inclusion of best available science is critical. At a recent panel discussion in San Diego, the discussion came to agreement that the status quo doesn’t work. The idea of “One Delta, One Science”, brought forward an interesting debate in that yes, science

helps inform the discussion, but there is not trust. She said the Council is gathered together to meet the coequal goals, and we can't do that unless there is agreement on the status quo. Any solution that does not address reverse flows will not achieve the coequal goals. It is important to note that we cannot address reverse flows with reverse flows. Chair Fiorini noted that it is the State's official policy to achieve the coequal goals, this is not something that can be changed. If the science doesn't support how those goals are being achieved, then there is an impasse; this is the reason why the dual conveyance is the option being proposed on page 12.

Member Weinberg called attention to page 13; many of the comments that were submitted at the March Council meeting in Brentwood discussed impacts on the community. Achieving the coequal goals must include awareness of the local impacts on the community and, as we go through the specific recommendations, there needs to be more attention on what large infrastructure will mean for local communities. Member Weinberg suggested that there should be a formal process for how the community can be involved in the process.

Member Gatto built on this, noting public questions with science and asked whether the public feels like there are additional studies that should be part of the discussion. Member Gatto asked the public to submit those additional reports or publications to the Council. Chair Fiorini noted that the binder includes comments received, and concurred that if there is additional peer-reviewed science that had not been included, that should be sent. Dr. Dahm provided an overview of how the concept of "One Delta, One Science" is part of the effort. He said it means that science is done in an open and transparent manner available to the public; it doesn't mean that all scientists have the same opinion, and this draft reflects the intention to incorporate a broader understanding of the literature and opinions therein. Dr. Dahm noted that there is a lot of uncertainty, and the process that the Delta Science Program goes through in terms of analysis and communications includes a rigorous peer review process that contributes to the legitimacy of the information.

Member Thomson asked for clarification on how reverse flows were dealt with; if dual conveyance options consider northern intakes, then how does it improve reverse flows or salinity outcomes? Member Weinberg noted that south Delta pumps, when they are pumping, contribute to reverse flows. Northern intakes would not reverse flows. Member Thomson said he is still concerned about salinity, and Chair Fiorini suggested that it is dealt with in the recommendations language. Chair Fiorini noted that the Delta is dynamic, and it depends on the type of water year. Current flow conditions do not have as high reverse flows as in dry years; it is critical to address variability. Ms. Shively noted that is a reason why additional storage is part of the amendment, with the operations integrated into the entire system. Member Weinberg noted that there are conflicts throughout the various scenarios, and the entire purpose is to better manage in years with a variety of constraints in dry years. Member Thomson noted that the timeline considered for construction of WaterFix is 10 years, and growers in the Delta do not have that time available. Member Gatto commented that projects typically proceed in phases, and the Council could consider requiring or recommending sequencing. Member Gatto also noted that cost and mitigation should be considered.

Member Johnston suggested that it would be helpful to describe what standards apply in consistency determination; how do the 14 regulations apply? Ms. Pearson noted that it is included in the FAQ. Member Johnston agreed that it would be helpful to add this in the amendment itself to make it clear. Chair Fiorini underlined the need to clarify how the policies would be applied, and the next draft Delta Plan CSO amendment could better reflect those policies.

Member Johnston noted that Page 13, line 31 could be rewritten to note communities in residence. It may be good to note dual conveyance in isolation won't fix the problems in the ecosystem. It could be worthwhile to identify the State agencies responsible.

Recommendation 1: New and Improved Water Conveyance

Chair Fiorini moved to the next section and solicited Member comments.

Member Weinberg noted the importance in the design phase to consider all factors and be specific in terms of cultural, agricultural, and natural resource needs. Similar to a county planning department, this is the Council's opportunity to be specific in the recommendations that are needed. A good neighbor policy is an example of a good proactive approach. More must be done to address the legitimate concerns of the community, and being specific on disruptions is important. Member Weinberg asked whether there is a role for the DPC in identifying a process to provide a role for the community.

Member Thomson noted that below ground sediment must go somewhere, and tunnel debris must be considered. Transportation disruption must be considered as well. Chair Fiorini called attention to page 21, lines 1- 28, designed to minimize disruptions during construction. Member Weinberg suggested more specificity such as detailed traffic plans, and an understanding of the sequencing of projects.

Member Gatto noted a desire to see financial penalties if there is major disruption of business and livelihoods.

Member Johnston noted for page 18, line 4, operational criteria should be changed to shall; rather than should. On page 19, line 29, a reasonable range of options should be considered. Chair Fiorini and Member Thomson noted that water concerns are not adequate. Recommendation 3 discusses operations; Chair Fiorini noted that this language should be reinforced.

Member Johnston drew attention to page 20, line 16 on cost-effectiveness, noting it is difficult to monetize all of the values. If completing a valuation only in terms of water deliveries, we would run the risk of overlooking the environmental values. He said this has happened in the levee efforts, as there are externalized risks that are not always included in financial incentives. Member Thomson agreed, and Ms. Pearson suggested that additional options be considered in the next draft, such as cost-benefits. It is often difficult to put monetary values on the environment, and effectiveness helps focus the evaluation on project objectives.

Chair Fiorini noted that on page 21, C1D, the public comments received on dam construction on the Sacramento River would involve dredging, and would be included.

Recommendation #2: New and Improved Water Storage

Chair Fiorini proceeded to Section 2 on Water Storage, pages 21-25.

Member Weinberg stated that investments are needed to support recharge, and there should be additional specifications on how to support recharge and linkages with SGMA. Ms. Shively responded that page 24 discusses new and improved storage, as well as in-lieu recharge. The emphasis on investments and building the infrastructure is important.

Page 25, lines 6-17, DWR should provide local ordinance for land-use planning purposes and the need for an incentive program. Chair Fiorini wonders if there are additional agencies with responsibilities like the Water Board and others.

Vice-chair Tatayon drew attention to page 24, line 19, promotion of recharge, adding caution that it could affect functional flows. For example, if a GSA decides that it would like to recharge a particular sub-basin, and start to overload that stream at a time not normally experiencing high flows, it could negatively impact species. Vice-chair Tatayon suggested that it should be resolved with the goal of restoring functional flows.

Member Weinberg noted that we should be explicit in support of guidelines on how to appropriately store and then release supplies.

Ms. Shively noted that carryover storage is discussed elsewhere; Member Weinberg suggested that there be no ambiguity on this.

Recommendation #3: Improve Operations of Storage and Conveyance

Ms. Shively described options being considered on page 25.

Chair Fiorini noted that the Central Valley Project and the SWP pumping plans must consider adequate flows for Delta communities and agriculture. Member Weinberg asked if there was a way to be more specific about the hydraulic needs and whether recommendations should encourage a better understanding of the issues. Chair Fiorini suggested that written comments from a Reclamation District would be helpful.

Chair Fiorini noted on page 28, D2B, that it would be good to reference appropriate groundwater levels.

Chair Fiorini recommended inclusion of the Dashboard to track Performance Measures.

For the historical timeline, Chair Fiorini suggested beginning before 1931; start with 1914 for several other projects.

Vice-chair Tatayon noted on page 31, checkmarks should be added. On page 33, the 2013 Delta Independent Science Board evaluation should add conveyance.

Chair Fiorini then called for public comment.

15. Public Comment

The following members of the public spoke in opposition to the draft Delta Plan CSO amendment:

Barbara Berrigan Parrilla, Roger DiFate, Bill Martin, Roy Vineyard, Joseph Rizzi, Steve Herringer, Frank Morgan, Ted Jenkins, Rae Rubio, Bill Pease, Scott Bottorff, Roger Mammon, Bob Wright, Dan Monte, Jan McCleery, Mike McCleery, Russell Van Loben Sels, Mike Bloom, James Cox, Robert Ackerly, Dan Bacher, Rebecca Talley, Michael Brodsky, Grenchen Logue, Sherry Chutka, Kenneth Gibson, Carol Fields, Bill Reis-Knight, Molly Hooper, Ernest Tufft, Ruben Becker, Rogene Reynolds, Doug Olsen, Diana Wood, Olga Jones, Elizabeth Merwin, Cheryl Cox, Thomas Schwertscharf, Teresa Hardy, Alan Duran, Roger Thibault, Nikki Chan, Ryan Camero, Barbara Daly, Mark Wellson, Riechel Everhart on behalf Senator Cathleen Galgiani, Daniel Lopez, on behalf of Stockton Mayor Michael Tubbs, and Lauren Korth on behalf of Assemblymember Jim Frazier.

Taryn Ravazzini expressed support from DWR.

Chair Fiorini concluded the public comment period. Member Weinberg suggested that the Council process meeting comments and requested that the comments be collated prior to reaching any conclusions. Members Johnston, Damrell, and Thomson agreed.

Ms. Enos noted next steps. Member Johnston suggested additional meetings in order to adequately engage with all of the material and the public comments. Member Weinberg asked that the Delta Science Program weigh in and explain why the same conclusions keep being reached. Ms. Pearson noted that science staff are not making decisions, rather providing information. Member Weinberg agreed and said he needs to better understand what they are comfortable with and best available science. Member Weinberg expressed disappointment that other stakeholders were not present to make comments such as the water contractors, the farm bureau, and others – many of the social justice issues are also felt in the San Joaquin Valley – and while many public commenters heard today reflected the Delta community, the Council must also consider communities in the southern Central Valley. Member Weinberg noted that Southern California has also made many investments in water efficiency and re-use; our purpose is to meet the coequal goals, which means that both must be met, not just one.

16. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.

Chair Fiorini asked if there were any members of the public who wished to comment.

There was a suggestion that more meetings with the potential to engage with the public, be scheduled.

The meeting adjourned at 2:52 p.m.